

BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH
PUBLIC NOTICE OF MOUNT LAUREL COMBINED COMPLIANCE
AND FAIRNESS HEARING
Docket Number- MON-L-2508-15

PLEASE TAKE NOTICE that on May 22, 2019, beginning at 1:30 p.m. the Honorable Jamie S. Perri, J.S.C. will conduct a combined Compliance and Fairness Hearing in In the Matter of the Application of the Borough of Manasquan, Monmouth County, bearing Docket No. MON-L-2508-15 (“the Action”) at 71 Monument Park, 2nd Floor, Freehold, New Jersey 07728.

The purpose of the combined Compliance and Fairness Hearing is for the Court to determine (1) whether or not a Settlement Agreement between the Borough of Manasquan and Broad Street 34, LLC and Union Avenue 33, LLC (hereinafter the “Developer”), is fair and reasonable to the region’s low and moderate income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Tp., 197 N.J.Super. 359 (Law Div.1984), aff’d o.b., 209 N.J.Super. 108 (App. Div. 1986) and East/West Venture v. Bor. of Fort Lee, 286 N.J.Super. 311 (App. Div. 1996), and (2) whether the Housing Element and Fair Share Plan (hereinafter “Affordable Housing Plan”) of the Borough of Manasquan, satisfies the Borough’s obligation to provide a realistic opportunity to satisfy the Rehabilitation, Prior Round and Round 3 components of its “fair share” of the regional need for housing affordable to low- and moderate-income households pursuant to (i) the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-301 et seq., (ii) applicable substantive regulations of the New Jersey Council on Affordable Housing (“COAH”), (iii) the Settlement Agreement entered into between Fair Share Housing Center (“FSHC”) and the Borough of Manasquan, approved by the Court at a properly noticed Fairness Hearing on September 11, 2018, and memorialized by an approval order entered by the Court on September 14, 2018, and (iv) other applicable laws. If the Court determines that the Borough has satisfied its obligation to provide a realistic opportunity to satisfy its Rehabilitation, Prior Round and Round 3 components of its “fair share,” it will enter a Judgment of Compliance and Repose, which will give Manasquan protection from Mount Laurel lawsuits until July 2, 2025.

To facilitate this procedure, the Borough has presented to the Court and placed on file with the Borough Clerk a copy of the Affordable Housing Plan and various other related documents, including the Settlement Agreement between the Borough and the Developer. These documents will be available for public inspection on March 31, 2019 at the office of the Borough Clerk located at 201 East Main Street, Manasquan, NJ 08736, during normal business hours.

The Affordable Housing Plan, the Settlement Agreement between the Borough and the Developer, and additional documents on file in the Borough’s Municipal Building describe how the Borough will address its “fair share” of the regional need for low- and moderate-income housing as established pursuant to a Court-approved Settlement Agreement between the Borough of Manasquan and FSHC dated July 3, 2018. The various elements of the Borough’s Fair Share plan are summarized as follows:

- The agreed upon Rehabilitation Obligation is 6.
- The agreed upon Prior Round (1987-1999) Obligation is 149.
- The agreed upon Round 3 (1999-2025) Obligation is 382.
- The Borough has a combined Prior Round (1987-1999) and Round 3 (1999-2025) Realistic Development Potential (“RDP”) of 12.

- The Borough has already fully satisfied its Rehabilitation Obligation of 6.
- Satisfaction of RDP of 12: The Borough will satisfy its RDP of 12 with 9 affordable family rental units from two combined inclusionary projects with the Developer totaling 45 units, of which 9 units will be affordable family rental units. The first project will be located on 44 Broad Street (Block 64, Lots 25.01, 25.02, 26 and 27) and will contain twenty-two (22) market-rate units only. The second project will be located on 33, 33.5 and 38 Union Avenue (Block 66.02, Lot 31.01) and will contain 14 market rate units and 9 affordable family rental units.
- Satisfaction of “unmet need”: The Borough will address its 519 combined Prior Round (1987-1999) and Round 3 (1999-2025) “unmet need” through the following mechanisms.
 - Up to Ten (10) Accessory Apartments.
 - An Affordable Housing Overlay over the R-M Zone.
 - An Affordable Housing Overlay over the B-1, BR-1, O and B-3 Zones.
 - A Mandatory Set-Aside Ordinance (“MSO”).

Any interested party, including any low- or moderate-income person residing in the housing region, any organization representing the interests of low- and moderate-income persons, any owner of property in the Borough of Manasquan, or any organization representing the interests of owners of property in the Borough of Manasquan may file written comments on, or objections to, the Borough’s Affordable Housing Plan or the Settlement Agreement with the Developer. Such comments or objections, together with copies of any supporting affidavits or other documents, **must be filed in writing**, on or before May 1, 2019 at 4:00 p.m. with the Honorable Jamie S. Perri, J.S.C., at Monmouth County Courthouse located at 71 Monument Park, 2nd Floor, Freehold, New Jersey 07728, with copies of all papers being forwarded by mail or e-mail to:

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This Notice is intended (i) to inform all interested parties of the existence of an Affordable Housing Plan adopted and endorsed by the Borough, the Settlement Agreement entered into between the Borough and the Developer, and of documents on file that explain the specific manner in which the Borough proposes to address its “fair share” of affordable housing; and (ii) to explain the consequences of court approval of the Borough’s Affordable Housing Plan; namely, immunity from any Mount Laurel lawsuits through July 2, 2025. This Notice does not indicate any view by the Court, the Special Master, the Borough, or FSHC as to whether the Court will approve the manner in which the Borough proposes to satisfy its fair share.